

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

MISSISSIPPI STATE CONFERENCE OF  
THE NATIONAL ASSOCIATION FOR  
THE ADVANCEMENT OF COLORED  
PEOPLE; DR. ANDREA WESLEY; DR.  
JOSEPH WESLEY; ROBERT EVANS;  
GARY FREDERICKS; PAMELA  
HAMNER; BARBARA FINN; OTHO  
BARNES; SHIRLINDA ROBERTSON;  
SANDRA SMITH; DEBORAH HULITT;  
RODESTA TUMBLIN; DR. KIA JONES;  
MARCELEAN ARRINGTON; VICTORIA  
ROBERTSON,

*Plaintiffs,*

v.

STATE BOARD OF ELECTION  
COMMISSIONERS; TATE REEVES, *in his  
official capacity as Governor of Mississippi*;  
LYNN FITCH, *in her official capacity as  
Attorney General of Mississippi*; MICHAEL  
WATSON, *in his official capacity as  
Secretary of State of Mississippi*,

*Defendants,*

AND

MISSISSIPPI REPUBLICAN EXECUTIVE  
COMMITTEE

*Intervenor-Defendant.*

No. 3:22-cv-734-DPJ-HSO-LHS

**PLAINTIFFS' SECOND SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiffs, by and through their attorneys, hereby propound the following set of interrogatories (individually, an



“Interrogatory,” and collectively the “Interrogatories”) to Defendant Michael Watson, in his official capacity as Mississippi Secretary of State, in accordance with all applicable Rules and the Definitions and Instructions set forth below.

**DEFINITIONS**

1. **“2022 House Map”** means and refers to the Mississippi State House of Representatives (“Mississippi State House”) District Map approved by the Mississippi State House and Mississippi State Senate and enacted on March 31, 2022 (House Map JR-1).

2. **“2022 Senate Map”** means and refers to the Mississippi State Senate District Map passed by the Mississippi State House and Mississippi State Senate and enacted on March 31, 2022 (Senate Map JR-202).

3. **“2022 Redistricting”** means and refers to the development, consideration, and passage of the 2022 House Map and 2022 Senate Map, including any discussion or consideration by any legislator, legislative staffer, legislative body, or any representatives, designees, attorneys, advisors, consultants, contractors, or agents thereto.

4. **“Action”** means the above-captioned action, filed in the United States District Court for the Southern District of Mississippi, titled *Mississippi State Conference of the National Association for the Advancement of Colored People et al. v. State Board of Election Commissioners et al.*, 3:22-cv-00734 (DPJ-HSO-LHS).

5. **“Joint Committee”** shall mean and refer to the Mississippi Legislature's Standing Joint Legislative Committee on Reapportionment and Redistricting and any legislators who serve or have served on the Joint Committee or staff who are employed in whole or in part by the Joint Committee, or any representatives, designees, attorneys, advisors, consultants, contractors, or agents thereto.

6. **“Communication”** means the transmission of information or data in any form, including, without limitation, written, oral, or electronic transmissions. The term **“Communication”** shall include, without limitation, printed, typed, handwritten, or other readable

documents, correspondence, memoranda, reports, contracts, drafts (both initial and subsequent), computer discs or transmissions, emails, instant messages, tape or video recordings, voicemails, diaries, logbooks, minutes, notes, studies, surveys and forecasts, and any and all copies thereof.

7. **“Complaint”** means the Amended Complaint for Declaratory Judgment and Injunctive Relief in the above-captioned action filed in the United States District Court for the Southern District of Mississippi on March 3, 2023 (ECF No. 27).

8. **“Document”** is synonymous in meaning and equal in scope to its usage in Federal Rule of Civil Procedure 34(a)(1)(A), which permits a party to request “any designated documents or electronically stored information—including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form.” The term **“document”** refers to any document now or at any time in your possession, custody, or control. A person is deemed to be in control of a document if the person has any ownership, possession, or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof. **“Document”** refers to “writings and recordings,” as defined in Rule 1001 of the Federal Rules of Evidence and includes, but is not limited to, any computer files, memoranda, notes, letters, emails, printouts, instant messages, ephemeral messages (such as Slack, Signal, Snapchat, Telegram, and Wickr), social media messages, text messages, or databases, and any handwritten, typewritten, printed, electronically recorded, taped, graphic, machine-readable, or other material, of whatever nature and in whatever form, including all non-identical copies and drafts thereof, and all copies bearing any notation or mark not found on the original. **“Document”** shall include individual documents and records (including associated metadata) whether on paper, film, or other

media, as discrete files stored electronically, optically, or magnetically, or as a record within a database, archive, or container file, including emails, messages, word-processed documents, recordings of videoconferences or conference calls, digital presentations, spreadsheets, database content, text messages, data recorded by Internet of Things (IoT) devices, and messages in workplace collaboration tools (including, without limitation, Slack, Microsoft Teams, and Google Hangouts) or ephemeral-messaging applications.

9. **“You,”** or **“yours”** refers to Michael Watson, in his official capacity as Secretary of State of Mississippi, including, and not limited to, past or present employees, office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on your behalf or subject to your control or on behalf of any committee or other body of which you are a member.

10. **“Defendants”** refers collectively to Defendants Board of Election Commissioners; Tate Reeves, in his official capacity as Governor of Mississippi; Lynn Fitch, in her official capacity as Attorney General of Mississippi; and Michael Watson, in his official capacity as Secretary of State of Mississippi; and Intervenor Defendant Mississippi Republican Executive Committee (“MREC”).

11. **“Person”** means any natural person of any age or gender, as well as any corporation, company, partnership, joint venture, firm, association, proprietorship, agency, board, authority, commission, office or other business or legal entity, whether private or governmental.

12. **“Legislator”** means and refers to any past or present elected member of the Mississippi State House or the Mississippi State Senate (including, for purposes of this Subpoena, the Lieutenant Governor), including such member's past or present employees, legislative office

staff, district office staff, committee staff, caucus staff, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member's behalf or subject to the member's control or on behalf of any committee or other body of which the elected member is a member.

13. **“Relevant Period”** means the period of time from January 1, 2019, to the present.

14. The words **“or,” “and,” “all,” “every,” “any,” “each,” “one or more,” “including”** and similar words of guidance are intended as such, and should not be construed as words of limitation. The words **“or”** and **“and”** shall include each other whenever possible to expand, not restrict, the scope of the Interrogatory and shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatory all responses that might otherwise be construed to be outside of its scope. The word **“including”** shall not be used to limit any general category or description that precedes it and shall be construed to mean “including, but not limited to.” The words **“all,” “every,” “any,” “each,”** and **“one or more”** shall include each other whenever possible to expand, not restrict, the scope of the Interrogatory. **“Concern”** or **“concerning”** means consisting of, referring to, relating to, reflecting, or being in any way logically or factually connected with the matter discussed. **“Relate”** or **“relating”** means consisting of, referring to, reflecting, or being in any way logically or factually connected to the matter discussed.

15. The phrase **“in connection with”** means discussing, addressing, regarding, pertaining to, evidencing, describing, constituting, mentioning, relating to, referring to, during the course of, incident to, or being in any way logically or factually connected with the matter discussed, whether direct or indirect, whatsoever with the requested topic.

16. When referring to a Person, **“identity”** means (and **“identify”** means to provide) the Person’s name, address, telephone number, and any other contact information for the Person that is in the possession of, or could reasonably be obtained by, the respondent.

17. When referring to a document, information or item, **“identity”** means (and **“identify”** means to provide) a description of the document, information or item, or the contents thereof, and, as applicable, the author, origin, and/or current location of the document, information or item.

**INSTRUCTIONS AND RULES OF CONSTRUCTION**

1. These instructions and rules of construction shall apply in interpreting the scope of the above definitions and these instructions and rules of construction.
2. Unless otherwise specified, these interrogatories concern the period from **January 1, 2019 to the present**.
3. Each interrogatory is to be answered fully based on information in your possession, custody, or control, or in the possession, custody, or control of your representatives, agents, or attorneys.
4. If you object to any interrogatory or any portion of an interrogatory on the ground that the answer reflects or would reveal the substance of a privileged communication, identify:
  - a. the nature of the privilege claimed;
  - b. the person who made the communication, whether oral or in writing;
  - c. if the communication was oral, all persons present while the communication was made;
  - d. if the communication was written, the author, addressees, and any other recipients;
  - e. the relationship of the author of the communication to each recipient;
  - f. the relationship of the persons present to the person who made the communication;
  - g. the date and place of the communication; and
  - h. the general subject matter of the communication.
5. All references in these interrogatories to an entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all



other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

6. Whenever necessary to bring within the scope of these interrogatories, any information that otherwise might be construed to be outside the scope, (a) the present tense shall include the past tense and future tense, the past tense shall include the present tense and future tense, and the future tense shall include the past tense and present tense; (b) references to the singular shall include the plural and vice versa; and (c) reference to any gender shall also include any other gender.

7. These interrogatories are intended to elicit as much information as possible concerning the issues raised in the operative Complaint filed in this action. To the extent that any interrogatory could be interpreted in more than one way, you should employ the interpretation of the interrogatory most likely to encompass and elicit the greatest amount of information possible.

8. These interrogatories are continuing in nature. If you receive or otherwise become aware of information responsive to any interrogatory after you have served your answers to these interrogatories, you must promptly supplement your answers to these interrogatories to provide such information, as required by Federal Rule of Civil Procedure 26(e).

9. Answers to these interrogatories shall be served upon the undersigned attorneys within thirty (30) days of service of these interrogatories.

**INTERROGATORIES**

**INTERROGATORY NO. 13:** Identify all reports created or produced by the Secretary of State's office as requested by legislators or the Joint Committee related to the 2022 Redistricting process;

**INTERROGATORY NO. 14:** Identify all Persons, including their respective roles and titles, involved in the creation, revision, or review of each Document responsive to RFP No. 13;

**INTERROGATORY NO. 15:** Identify all reports created or produced by, on the behalf of, at the direction of Madalan Lennep, as requested by legislators or the Joint Committee, relating to the 2022 Redistricting process;

**INTERROGATORY NO. 16:** Identify all Persons, including their respective roles and titles, involved in the creation, revision, or review of each Document responsive to RFP No. 14;

**INTERROGATORY NO. 17:** Identify the study of racial voting patterns acknowledged by Senator Dean Kirby on the Senate floor on March 29, 2022.

**INTERROGATORY NO. 18:** Identify all Persons, including their respective roles and titles, involved in the creation, revision, or review of each Document responsive to RFP No. 15;

**INTERROGATORY NO. 19:** Identify all Documents provided by the Secretary of State's office to the Joint Committee, staff of the Joint Committee, or any individual legislator concerning racial demographics of Mississippi counties, precincts, or census blocks;

**INTERROGATORY NO. 20:** Identify all Persons, including their respective roles and titles, involved in the creation, revision, or review of each Document responsive to RFP No. 16;

**INTERROGATORY NO. 21:** Identify all Documents provided by the Secretary of State's office to the Joint Committee, staff of the Joint Committee, or any individual legislator concerning racial voting patterns in Mississippi elections, including but not limited to calculations, reports, audits, estimates, projections, other analyses of voter turnout, voter registration, or voter behavior;

**INTERROGATORY NO. 22:** Identify all Persons, including their respective roles and titles, involved in the creation, revision, or review of each Document responsive to RFP No. 17.

[signatures on following page]

Dated: October 30, 2023

Respectfully submitted,

/s/ Joshua Tom

Joshua Tom, MSB 105392  
*jtom@aclu-ms.org*  
ACLU OF MISSISSIPPI  
101 South Congress Street  
Jackson, MS 39201  
(601) 354-3408

Robert B. McDuff, MSB 2532  
*rbm@mcdufflaw.com*  
MISSISSIPPI CENTER FOR JUSTICE  
767 North Congress Street  
Jackson, MS 39202  
(601) 969-0802

Carroll Rhodes, MSB 5314  
Law Offices of Carroll Rhodes  
*crhodes6@bellsouth.net*  
PO Box 588  
Hazlehurst, MS 39083  
(601) 894-1464

John P. Lavelle, Jr.  
**MORGAN, LEWIS & BOCKIUS LLP**  
1701 Market Street  
Philadelphia, PA 19103-2921  
Telephone: +1.202.739.3000  
Facsimile: +1.202.739.3001  
*john.lavelle@morganlewis.com*

Drew C. Jordan  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Ave. NW  
Washington, DC 20004-2541  
Telephone: +1.713.890.5000  
Facsimile: +1.713.890.5001  
*drew.jordan@morganlewis.com*

Ari J. Savitzky  
*asavitzky@aclu.org*  
Ming Cheung  
*mcheung@aclu.org*  
Casey Smith  
*csmith@aclu.org*  
ACLU FOUNDATION  
125 Broad Street, 18th Floor  
New York, New York 10004  
(212) 549-2500

Patricia Yan  
*pyan@aclu.org*  
ACLU FOUNDATION  
915 15th Street NW  
Washington, DC 20005  
(202) 457-0800

Ezra D. Rosenberg  
*erosenberg@lawyerscommittee.org*  
Jennifer Nwachukwu  
*jnwachukwu@lawyerscommittee.org*  
David Rollins-Boyd  
*drollins-boyd@lawyerscommittee.org*  
LAWYERS' COMMITTEE FOR CIVIL RIGHTS  
UNDER LAW  
1500 K Street NW Suite 900  
Washington, DC 20005  
(202) 662-8600

*Attorneys for Plaintiffs*

**CERTIFICATION OF SERVICE**

I, Joshua Tom, an attorney, certify that I caused a true and correct copy of the foregoing to be served via email on all counsel of record on this 30<sup>th</sup> day of October, 2023.

/s/ Joshua Tom  
Joshua Tom